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OFFICE OF PETITIONS

In re Application of
PAUL S. KAYTES et al.
Application No. 10/647,982
Filed: August 26, 2003
Attorney Docket No. 01313.US1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 02, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the restriction requirement mailed January 05, 2006, which set a shortened statutory period for reply of one (1) month. No Extensions of time under the provision of CFR 1.136 (a) was obtained. Accordingly, the above-identified application became abandoned on February 06, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Accordingly, the reply to the restriction requirement mailed January 05, 2006 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

Application No. 10/647,982

Telephone inquiries concerning this decision should be directed to Jean F. Duverne at (571) 272-6051 or in his absence to the undersigned.

This application is being referred to Technology Center AU 1634 for appropriate action on the concurrently filed election.

A handwritten signature in black ink, appearing to read 'David Bucci', is written over the printed name.

David Bucci
Petitions Examiner
Office of Petitions